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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,901

06/05/2006

Gunther Hesse

13156-00034-US

5655

23416 7590 09/17/2008  
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EXAMINER

AUGHENBAUGH, WALTER

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

09/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/563,901	<b>Applicant(s)</b> HESSE ET AL.	
	<b>Examiner</b> WALTER B. AUGHENBAUGH	<b>Art Unit</b> 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The amendments made in the abstract in the Amendment filed June 25, 2008 have been received and considered by Examiner.

### ***WITHDRAWN OBJECTION***

2. The objection to the abstract made of record in the previous Office Action mailed April 8, 2008 has been withdrawn due to Applicant's amendments in the abstract.

### ***REPEATED REJECTION***

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ries et al. (USPN 6,783,821).

In regard to claim 1, Ries et al. teach a hollow molded article (such as a container) (col. 10, lines 20-30 and col. 2, line 30) comprising a mixture of at least two polyamides (col. 2, lines 27-63) and a flame retardant (col. 9, lines 59-66). Since the composition comprises a flame retardant and polyamides, the composition is a flame-retardant thermoplastic. Since the composition comprises polyamides, the composition has a polyamide-based structure. The two polyamides have different solution viscosities because the two polyamides are different polyamides (and, consequently, different materials). The hollow molded article of Ries et al. corresponds to the claimed casing. The recitation "for an electronic device comprising a cathode-

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ray tube or a flat screen” (lines 1-2) is an intended use phrase that has not been given patentable weight, since it has been held that a recitation with respect to the manner in which a claimed article is intended to be employed does not differentiate the claimed article from a prior art article satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQd 1647 (1987).

In regard to claim 2, Ries et al. teach that nylon-6 is a suitable polyamide for the mixture of at least two polyamides of Ries et al. (col. 2, lines 27-63).

In regard to claim 3, Ries et al. teach that nylon-6,6 is a suitable polyamide for the mixture of at least two polyamides of Ries et al. (col. 2, lines 27-63).

In regard to claims 4 and 5, Ries et al. teach that melamine cyanurate is a suitable flame retardant for the flame retardant of Ries et al. (col. 9, lines 59-66).

In regard to claim 6, the recitation “the electronic device is a television device or a monitor” is an intended use phrase that has not been given patentable weight because the recitation “the electronic device” refers to the recitation “for an electronic device comprising a cathode-ray tube or a flat screen” (lines 1-2 of claim 1), which is an intended use phrase that has not been given patentable weight, since it has been held that a recitation with respect to the manner in which a claimed article is intended to be employed does not differentiate the claimed article from a prior art article satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQd 1647 (1987).

### ***Response to Arguments***

5. Applicant’s arguments regarding the 35 U.S.C. 102 rejection of claims 1-6 as being anticipated by Ries et al. (USPN 6,783,821) have been fully considered but are not persuasive.

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Ries et al. teach the structural and compositional limitations that are positively recited in claims 1-6. Applicant argues that “Ries et al. do not disclose a casing for an electronic device comprising a cathode-ray tube or a flat screen” (bottom of page 3 of Amendment), but Ries et al. teach the positively recited structural and compositional limitations of the claimed casing. As stated in the rejection of record, the recitation “for an electronic device comprising a cathode-ray tube or a flat screen” (lines 1-2) is an intended use phrase that has not been given patentable weight, since it has been held that a recitation with respect to the manner in which a claimed article is intended to be employed does not differentiate the claimed article from a prior art article satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQd 1647 (1987).

Applicant argues that Ries et al. do not teach a mixture comprising “at least two polyamides” because Ries et al. teach a “mixture of at least one polyamide and a polyamine-polyamide copolymer”. Paragraph bridging pages 3 and 4 of Amendment. However, Ries et al. teach a mixture comprising two polyamides because a “mixture of at least one polyamide and a polyamine-polyamide copolymer” is a mixture of two polyamides: a polyamine-polyamide copolymer is a polyamide.

In regard to the limitation of claim 1 that the two polyamides have different solution viscosities, as stated in the rejection of record, the two polyamides have different solution viscosities because the two polyamides are different polyamides (and, consequently, different materials), which necessarily have different properties, including different solution viscosities.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter B. Aughenbaugh whose telephone number is (571) 272-1488. While the examiner sets his work schedule under the Increased Flexitime Policy, he can normally be reached on Monday-Friday from 8:45am to 5:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Walter B Aughenbaugh /  
Examiner, Art Unit 1794

9/12/08

/Rena L. Dyc/  
Supervisory Patent Examiner, Art Unit 1794